

SENATE RESOLUTION 106
By Cohen

A RESOLUTION memorializing the United States Congress to maintain the incentive grant approach to accomplishing shared public safety objectives and to refrain from imposing federal mandates to accomplish such objectives.

WHEREAS, under the provisions of legislation recently passed by the U.S. Senate, each of the fifty (50) states would stand to lose twenty-one and one-half percent (21.5%) of their annual highway funding if their respective legislatures failed to enact federally prescribed laws on three (3) public safety issues; and

WHEREAS, specifically, S.1173 would compel state legislatures to enact the following three (3) sanctions or else lose a significant amount of their state's share of federal highway dollars:

(1) the establishment of .08% as the legal blood alcohol content level for the offense of driving while intoxicated;

(2) a prohibition on open containers of alcoholic beverages in moving motor vehicles; and

(3) the enactment of mandatory sentences for drivers who repeatedly operate a motor vehicle while intoxicated; and

WHEREAS, although these three (3) public safety objectives are indeed worthy, past experience has proven that federal mandates are not in the best interests of the people of

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Tennessee and our system of government as enunciated by the 10th Amendment to the United States Constitution, which limits the federal government's powers to those specifically delineated in the U.S. Constitution, with the remaining powers and duties falling under the province of the states' legislatures; and

WHEREAS, these three (3) public safety objectives are presently being carefully and exhaustively considered by state legislatures, as they should be; and

WHEREAS, these public safety objectives are strictly state issues, as they encompass precisely the type of powers envisioned by our founding fathers to be reserved to the states by the 10th Amendment; and

WHEREAS, state legislatures should act to accomplish these public safety objectives only after pertinent data has been accumulated and verifiable results have been demonstrated for their respective state; no two (2) states are exactly alike and different approaches to accomplish these goals may be necessary in each state; and

WHEREAS, past experience has also conclusively demonstrated that incentive grants are far more effective than federal mandates; and

WHEREAS, the incentive grant approach permits state and federal governments to collaborate in order to achieve shared public safety objectives; and

WHEREAS, in addition to allowing the states and the federal government to work respectfully together as equals, instead of operating as opposing and divisive forces, the incentive grant approach does not require any pre-emption of state rights or prerogatives, does not impose any federal mandates upon state governments, and does not threaten states with the loss of transportation dollars (in a bill, "BESTEA", that allegedly provides for increased funding from the highway and other transportation funds and restoration of integrity to those same funds); and

WHEREAS, this General Assembly is most fervently opposed to federal mandates of any kind and most humbly requests the U.S. Congress to respect the 10th Amendment, as well as their counterparts at the state level; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That this General Assembly hereby memorializes the United States Congress (and specifically the Tennessee Congressional delegation) to refrain from enacting into law the mandates and sanctions imposed on the several states by S.1173 (or H.R. 2400, if amended to reflect the Senate Bill) of the One Hundred Fifth U.S. Congress and to instead maintain the incentive grant approach to accomplishing public safety objectives shared by state and federal governments.

BE IT FURTHER RESOLVED, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of Tennessee's Congressional delegation.